

REMARKS

In the present amendment, claims 1-7, 9, and 16 have been amended and claims 8, 14, and 15 have been cancelled. Accordingly, claims 1-7, 9-13, and 16-33 are pending in the application with claim 1 being independent. Of the pending claims, claims 1-7, 9-13, and 16-32 are under consideration and claim 33 has been withdrawn from consideration.

Applicants note that claim 1 has been amended by incorporating the subject matter of now cancelled claims 8, 14, and 15 and reciting particular amounts of the substance for binding anti-MT-MMP based on the amount of the blood retentive lipid derivative in the lipid membrane structure. Applicants note that the range of 0.5 to 20 mol% substance for binding anti-MT-MMP to the lipid-membrane structure based on the blood retentive lipid derivative in the lipid membrane structure correlates with the examples represented in Table 2 of the specification, wherein maleinimide is the example of the substance for binding anti-MT-MMP and DSPE-PEG is the example of the blood retentive lipid derivative.

Furthermore claims 1-7 and 9 have been amended to clarify language by replacing the term "monoclonal antibody" with "anti-MT-MMP," as defined in present claim 1.

No new matter has been added.

Response to Restriction Requirement

The Restriction Requirement has been maintained, and the requirement has been made final. Applicants respectfully request reconsideration of the requirement, and rejoinder of the non-elected claims upon allowance of the elected claims.

Response to Rejections under 35 U.S.C. § 103(a)

The Office Action makes the following rejections under 35 U.S.C. § 103(a):

- claims 1-16, 18, 19, 21-22, and 24-32 as allegedly being unpatentable over U.S. 2002/0197210 to Bednarski et al., hereinafter “BEDNARSKI,” in view of Kitagawa (J. Urol., 1998, Vol. 160, pp. 1540-1545), hereinafter “KITAGAWA;”
- claims 1 and 18-23 as allegedly being unpatentable over BEDNARSKI in view of KITAGAWA and further in view of U.S. Patent No. 6,417,326 to Cullis et al., hereinafter “CULLIS;”
- claims 1 and 14-17 as allegedly being unpatentable over BEDNARSKI in view of KITAGAWA, and further in view of U.S. Patent No. 6,355,268 to Slater et al., hereinafter SLATER.

Applicants respectfully traverse the rejections. Applicants submit that in an attempt to advance prosecution and without expressing agreement with or acquiescence to the rejection, claim 1 has been amended.

Applicants submit that BEDNARSKI, KITAGAWA, CULLIS and SLATER all fail to teach or suggest elements of present claim 1. That is, these documents fail to teach at least the following element of claim 1: that “the lipid membrane structure contains a substance for binding the anti-MT-MMP to the lipid membrane structure and a blood retentive lipid derivative, and wherein the amount of the substance, for binding the anti-MT-MMP to the lipid membrane structure, is between 0.5 and 20 mol% based on the blood retentive lipid derivative in the lipid membrane structure.”

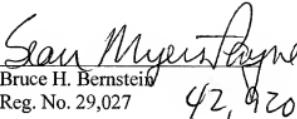
Accordingly, in view of the foregoing remarks and amendments of the claims, Applicants respectfully request withdrawal of the obviousness rejections over BEDNARSKI, KITAGAWA, CULLIS and SLATER.

CONCLUSION

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

If any issues yet remain which can be resolved by telephone, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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